

1 day that we receive packages, yes.

2 Q. And you prepared them to bring here because
3 you were requested to do so by Mr. --

4 A. Yes.

5 Q. Have you seen Mr. James' signature anywhere
6 on these documents except the application?

7 A. I did not compare the signature on the
8 application to any signatures on the packages.

9 Q. Could you take a minute to do that? Would
10 you?
11 * * *

12 ATTORNEY SINNETT: She is to compare it.
13 I don't think he is asking her to make a determination
14 whether they are the same.

15 ATTORNEY NERO: I am asking her if she
16 can see my client, Mr. James, signed for anything.

17 ATTORNEY SINNETT: That's fine.

18 THE WITNESS: There is a few package
19 signatures in here that Mr. James signed, just working
20 from the back. The first one -- or going from January
21 backwards, the first one would have been January 10th.
22 * * *

23 BY ATTORNEY NERO:

24 Q. Did you see him sign there?

25 A. I did not see him sign.

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1 ATTORNEY SINNETT: No further questions
2 of her, Your Honor.

3 THE COURT: You may step down.
4 May this witness be excused?

5 ATTORNEY SINNETT: She can, Your Honor.
6 Are you going to need her subject to rebuttal or
7 anything?

8 ATTORNEY NERO: (Whereupon, Attorney
9 Nero moved head horizontally).

10 THE COURT: Witness may be excused.

11 ATTORNEY SINNETT: Our next witness who
12 is Terisa McCoy, she also works at that Mailboxes Etc.
13 I don't know if they are together or not.

14 THE WITNESS: No, we are not.
15 * * *

16 TERISA MCCOY,
17 called as a witness on behalf of the Commonwealth,
18 having been duly sworn according to law,
19 testified as follows:
20 * * *

21 DIRECT EXAMINATION

22 BY ATTORNEY SINNETT:

23 Q. Ma'am, could you tell us your full name
24 please?

25 A. Terisa McCoy.

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1 Q. So you say that because there is a signature
2 next to the box?

3 A. Yes, one on December 19th.

4 Q. On December 19th, you can see Mr. James'
5 signature?

6 A. I don't recall.

7 Q. Well, you are looking at it now.

8 A. Well, I see that it was signed by him. I
9 don't remember if on December 19th I saw him sign it.

10 Q. Look at that signature and look at the
11 signature you filled out. Tell me if they are --
12 * * *

13 ATTORNEY SINNETT: I don't believe she
14 is entitled to give an opinion. He is going to need an
15 expert for that.

16 * * *
17 BY ATTORNEY NERO:

18 Q. So, the question is you don't know if Mr.
19 James signed for any of these packages? You have no
20 direct knowledge of that?

21 A. I was not personally present when those
22 signatures were taken, so --

23 * * *

24 ATTORNEY NERO: That's fair. I have no
25 further questions.

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1 Q. And where do you work?

2 A. Mailboxes Etc.

3 Q. And which Mailboxes Etc. do you work at?
4 A. Kingston Square Shopping Center on Eastern
5 Boulevard.

6 Q. And is that the one that's owned by Jan
7 Metzler?

8 A. Yes.

9 Q. And how long have you worked there?

10 A. Two years.

11 Q. Going back to approximately when, do you
12 recall?

13 A. October -- about October 15th.

14 Q. Of '99?

15 A. Yes.

16 Q. Okay.

17 And during the time that you were employed
18 there, did you ever become familiar with a subject by
19 the name of Tyrone James?

20 A. Only through him coming in and getting
21 packages.

22 Q. Now, that person that came in and got
23 packages that you knew or at least recognized the name
24 of Tyrone James, is that person present in the
25 courtroom today?

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1 A. Yes, he is.
 2 Q. Could you point him out for us, please --
 3 A. (Indicating).
 4 Q. -- what color shirt he is wearing or
 5 something?
 6 A. Gray.
 7 Q. And did you see this person come in on more
 8 than one occasion to pick up packages?
 9 A. Yes, um-hum.
 10 Q. Now, specifically, did you know what box -- I
 11 mean not by number, what box number at the time, but
 12 that person had one box or more than one boxes at that
 13 time?
 14 A. To my knowledge, just one.
 15 Q. And was he consistently the person you saw
 16 when you worked come in to pick up those boxes --
 17 A. Yes.
 18 Q. -- or packages at those boxes?
 19 A. Yes.
 20 Q. And were you present on January 10th, 2001,
 21 when the police had placed a parcel in the business?
 22 A. Yes.
 23 Q. What did you personally observe take place
 24 that day?
 25 A. Agent Morgan came in and gave us the box, and

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1 we signed it in, and he said to call him when he came
 2 in that day.
 3 Q. And do you do that?
 4 A. Um-hum.
 5 Q. You called Agent Morgan by telephone?
 6 A. Um-hum.
 7 Q. When Mr. James came in?
 8 A. Yes.
 9 Q. And what did you personally observe him, Mr.
 10 James, do?
 11 A. He went up to another employee I was working
 12 with and asked for his box.
 13 What we do, put a slip in your mailbox you
 14 have a package. He gives that out and gives it to the
 15 person, and they give the package to him, and he signs
 16 for it and leaves.
 17 Q. Now, did you witness that interaction take
 18 place?
 19 A. Um-hum.
 20 Q. But you weren't actually the person who
 21 waited on him when he came to the counter?
 22 A. No.
 23 Q. You observed Mr. James interact with that
 24 other employee.
 25 Did he get the package to the best of your

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1 knowledge, if you know or not? Did he get the package
 2 that Agent Morgan had dropped off?
 3 A. Yes. I wasn't right there beside him, but --
 4 Q. And when you saw that happened, that's when
 5 you called Agent Morgan?
 6 A. Yes.
 7 Q. And then the police did whatever they did?
 8 A. Um-hum.
 9 Q. Did you have any other interactions with Mr.
 10 James that day at all?
 11 A. No, no.

* * *

13 ATTORNEY SINNETT: That's all the
 14 questions I have of this witness, Your Honor.
 15 * * *

16 CROSS EXAMINATION

17 BY ATTORNEY NERO:

18 Q. Miss McCoy, good afternoon. What time -- did
 19 you call Agent Morgan?
 20 A. Yes.
 21 Q. What number did you call?
 22 A. I don't recall. He gave me a cell phone
 23 number.
 24 Q. What time was it, do you recall?
 25 A. I don't know the exact time.

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1 Q. And your testimony is that you called him
 2 when you saw Mr. James enter the premises?
 3 A. When he asked for that package.
 4 Q. You were next to the other person. How far
 5 were you from the other person?
 6 A. I was about maybe seven feet away.
 7 Q. Were you waiting on someone?
 8 A. No.
 9 Q. What did he say specifically?
 10 A. I don't recall his exact words.
 11 Q. Do you know if it was one package and only
 12 one package there for that box on that day?
 13 A. Just one.
 14 Q. You know that because you were there and
 15 Agent Morgan brought the box and gave it to you?
 16 A. Yes.
 17 Q. And so when he came and gave you the box, he
 18 said, here is the box for Box 164, and I expect Tyrone
 19 James to come for it; when he does, call me, something
 20 like that?
 21 A. Something like that. I don't recall the
 22 exact words.
 23 Q. Something to the gist of that?
 24 A. Um-hum.
 25 Q. And so you expected Mr. James to come in?

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1 A. Yes.
 2 Q. Because you were alerted by Agent Morgan?
 3 A. Yes.
 4 Q. So, when he came in and he went to the other
 5 employee, who was that employee, by the way? Do you
 6 recall?
 7 A. His name is Neil Erdenbrack.
 8 Q. And you were paying attention to this because
 9 you expected him to come in for this?
 10 A. Um-hum.
 11 Q. But you couldn't hear the conversation
 12 between him and Neil?
 13 A. Excuse me.
 14 Q. Could you hear the conversation?
 15 A. No.
 16 Q. Was he facing you, or was his back to you?
 17 A. I was seeing his side.
 18 Q. Could you see Neil?
 19 A. Yes.
 20 Q. What view of Neil did you have?
 21 A. The side also.
 22 Q. Which side did you have of Neil?
 23 A. I was standing over here, and I could see
 24 Neil facing Mr. Tyrone.
 25 Q. So, you could see Neil's right side or his

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1 left side?
 2 A. His right side.
 3 Q. Would it be fair to say you seen Neil's right
 4 side, you could see Mr. James' left side?
 5 A. Um-hum.
 6 Q. Did you see when Mr. James signed for the
 7 package?
 8 A. Um-hum.
 9 Q. How long would you say he was in the store
 10 from the time he came in till the time he left?
 11 A. Two minutes, not long.
 12 Q. Two minutes?
 13 A. Yeah, usually just comes in, signs for it,
 14 and leaves.
 15 Q. Did he stay that day and have any
 16 conversation with anybody?
 17 A. No.
 18 Q. Did he inspect the package until you could
 19 see him the entire time he was there?
 20 A. He looked at it kind of funny, but he just
 21 kept walking out.
 22 Q. Looked at it funny and picked it up and left?
 23 A. Yeah. He just had it in his hand the whole
 24 time. He was just looking at it the whole time, and he
 25 walked out.

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1 Q. He had no conversation with anybody else in
 2 the store except to ask Neil for his package?
 3 A. That's correct.
 4 Q. Could you see outside after he was outside
 5 the building?
 6 A. Um-hum.
 7 Q. You saw him being arrested?
 8 A. Well, we all went to the front of the store,
 9 yes.
 10 Q. So you could see him?
 11 A. Yes.
 12 Q. What did you see when he walked outside?
 13 A. When he walked outside?
 14 Q. Yes.
 15 A. He just walked towards the parking lot. He
 16 saw like an agent walking across, I believe, and he
 17 threw the box, and then he ran and was intercepted.
 18 Q. How far was the agent from him?
 19 A. About 12 feet.
 20 Q. How many agents did you see?
 21 A. I only saw two.
 22 Q. At the same time?
 23 A. Running towards him.
 24 Q. Running towards him?
 25 A. Yeah.

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1 Q. And he was 12 feet from them when he threw
 2 the box and ran back to you?
 3 A. Approximately.
 4 I could see the back of him, so I'm not sure
 5 exact feet.
 6 Q. But you could see the front of them running
 7 towards him?
 8 A. Um-hum.
 9 Q. Could you see where they got out of the
 10 vehicle or you saw them running for the first time or
 11 you saw them exit the vehicle, the agents, that is?
 12 A. I saw them running towards him.
 13 Q. When was the first time you saw the agents
 14 when they were running or you saw them exit the
 15 vehicle?
 16 A. When they were running towards him. They
 17 were on their feet.
 18 Q. So, more than two?
 19 A. Yes.
 20 Q. You recall when they were 12 feet, he threw
 21 the box and ran back to the store?
 22 A. He ran towards the side.
 23 Q. Did he -- how far did he go?
 24 A. About ten yards.
 25 Q. And then what happened?

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1 A. Then a van came towards him and intercepted
 2 him. He was running towards, and then they got him.
 3 Q. A van came towards him?
 4 A. Yeah.
 5 Q. Do you recall if the van struck him?
 6 A. I don't -- I don't think so.
 7 Q. He ran into the van?
 8 A. Um-hum.
 9 Q. Was that how he actually got on the ground to
 10 the van?
 11 A. I don't know. I couldn't see. There was a
 12 pole in the way.
 13 Q. Could you see if anybody exited the van?
 14 A. No, I didn't see that.
 15 Q. But you saw when he went on the ground?
 16 A. I just saw him go towards the van, sorry, and
 17 then I just saw him on the ground with a whole bunch of
 18 agents around him, so I assume they jumped out of the
 19 van.
 20 Q. This is crucial. If you don't recall, say
 21 you don't recall.
 22 Was he on the ground before any agents got to
 23 him?
 24 A. No.
 25 Q. How did he get to the ground?
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1 A. Hmmm?
 2 Q. How did he get on the ground?
 3 A. I don't know. I don't know if he slipped.
 4 Q. But you didn't see anybody tackle him and put
 5 him on the ground?
 6 A. No.
 7 Q. And you could see the entire time?
 8 A. I could see him running towards, and then I
 9 just saw him on the ground. I didn't see -- there was
 10 a pole, the brick pole in the way.
 11 Q. How long was he on the ground before these
 12 agents came on top of him?
 13 A. It was immediate.
 14 Q. How many agents?
 15 A. I don't know. I don't recall.
 16 Q. More than two at this time?
 17 A. Yes.
 18 Q. I imagine you could hear what was said
 19 outside?
 20 A. No. I was inside the store.
 21 Q. Could you tell whether or not it was anything
 22 being said by the agents as they were running towards
 23 him?
 24 A. I couldn't tell.
 25 * * *

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1 ATTORNEY NERO: I have no further
 2 questions.
 3 THE COURT: Any redirect?
 4 ATTORNEY SINNETT: Just one, Your Honor.
 5 * * *
 6 REDIRECT EXAMINATION
 7 BY ATTORNEY SINNETT:
 8 Q. Ms. McCoy, when you saw these people running
 9 towards Mr. James, could you tell they were police
 10 officers?
 11 A. No.
 12 * * *
 13 ATTORNEY SINNETT: That's all the
 14 questions I have.
 15 * * *
 16 RECROSS EXAMINATION
 17 BY ATTORNEY NERO:
 18 Q. You said you couldn't tell they were police
 19 officers?
 20 A. Yeah. They weren't in uniform. ~~so~~
 21 * * *
 22 ATTORNEY NERO: Thanks.
 23 THE COURT: You may step down.
 24 ATTORNEY SINNETT: May she be excused?
 25 THE COURT: Any objection?
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1 ATTORNEY NERO: No objection.
 2 THE COURT: Witness may be excused.
 3 Members of the jury, that's all the
 4 testimony we are going to hear today. I am wondering
 5 whether anyone would have a problem being here tomorrow
 6 morning at 9:00 o'clock.
 7 All right.
 8 I am reminded that I have other things
 9 scheduled at 9:00 o'clock, in what we call current
 10 business, so I am going to ask you if you would
 11 tomorrow morning return directly to this jury room by
 12 9:30.
 13 Now, there may be things going on in the
 14 courtroom. Don't concern yourself with that. You just
 15 come on in and settle in. We will start as promptly as
 16 we can then after 9:30.
 17 Keep in mind my prior cautions. Avoid
 18 contact with any of the police officers or attorneys or
 19 persons involved in the case. Display your badges as
 20 you go to and from the courthouse so that that will
 21 help everybody identify you as jurors.
 22 Please don't discuss the case among
 23 yourselves or discuss it with anybody else.
 24 Don't read anything in the newspaper and
 25 don't read anything in the newspaper -- did I say that?
 200

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